## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

UVAS, LLC,	)
a South Carolina limited liability company	)
, ,	)
Plaintiff,	)
	)
V.	) Case No.: 2:16-cv-00163-DCN
	)
XENEX DISINFECTION SERVICES,	)
LLC, a Texas limited liability company,	)
	)
Defendant.	)

## CONSENT ORDER RESOLVING PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff UVAS, LLC ("UVAS") filed a Motion for Sanctions against Defendant Xenex Disinfection Services LLC ("Xenex") on or about June 20, 2017 (Docket Entry # 80). The Plaintiff argues that the basis for this Motion is that only a portion of Defendant Xenex's responses to Plaintiff's Requests for Production organize and label the documents to correspond to the categories in the requests as required by Federal Rule of Civil Procedure 34.

Plaintiff UVAS and Defendant Xenex have resolved the dispute embodied in the Motion for Sanctions as follows, and it is hereby ORDERED, ADJUDGED and DECREED that:

- (a) Defendant shall, in accordance with Federal Rule of Civil Procedure 34, organize and label documents produced pursuant to Plaintiff's Requests for Production to correspond to the categories in the three Requests for Production served by Plaintiff upon the Defendant, by designating which specific Bates numbers which documents correspond to each specific document request;
- (b) Defendant shall remove the Attorney's Eyes Only designation from

2:16-cv-00163-DCN Date Filed 08/09/17 Entry Number 92 Page 2 of 3

documents produced pursuant to three Requests for Production served by

Plaintiff upon the Defendant unless such documents are, in good faith,

eligible for such categorization under the Protective Order in this case; and

(c) Defendant will comply with these requirements on or before October 15,

2017.

Plaintiff UVAS withdraws the Motion for Sanctions without prejudice to file an

appropriate Motion if these terms are not complied with by the Defendant Xenex.

Plaintiff UVAS and Defendant Xenex are also discussing the documents to be produced

by Defendant Xenex in response to Plaintiff's Third Request for Production of Documents.

Defendant Xenex withdraws its Motion for Protective Order (Docket Entry # 90) filed on August

2, 2017, without prejudice to file an appropriate motion if the parties cannot agree on documents

to be produced. Documents that are produced by Defendant Xenex in response to Plaintiff's Third

Request for Production of Documents will be designated in compliance with Rule 34 as set forth

herein.

AND IT IS SO ORDERED.

David C. Norton

United States District Judge

August 9, 2017

Charleston, South Carolina

- 2 -

## BARNWELL, WHALEY, PATTERSON, AND HELMS, LLC

By: s/ John W. Fletcher

B. Craig Killough, Fed. ID No. 2330 David S. Cox, Fed. ID No. 6041 John W. Fletcher, Fed. ID No. 9375 P.O. Drawer H (29402) Charleston, SC 29482 (843) 577-7700 Counsel for Plaintiff/Counterclaim-Defendant RICHARDSON PLOWDEN & ROBINSON, P.A.

By: s/ Samia H. Nettles
Steven J. Pugh, Fed. I.D. #7033
1900 Barnwell Street
Post Office Drawer 7788
Columbia, South Carolina 29202
(803) 771-4400

Samia H. Nettles, Fed. I.D. #10278 RICHARDSON PLOWDEN & ROBINSON, P.A. PO Box 21203 Charleston, SC 29413 (843) 805-6550 Counsel for Defendant/Counterclaim-Plaintiff